

REMARKS

Claims 1-44 are pending in the application. In the office action dated September 25, 2003, the Examiner took the following action: (1) Objected to Fig. 2; (2) objected to notation of trademarks used; (3) rejected claim 44 under 35 U.S.C. 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention; (4) rejected claims 1-3, 8-9, 34-36, 41 and 43 under 35 U.S.C. 102(b) as being anticipated by Lumsden (U.S. Pat. No. 4,338,690); (5) rejected claims 12-14, 19-20, 23-25, 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. (U.S. Pat. No. 6,487,507); (6) rejected claims 5 and 38 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Leigh-Monstevens et al. (U.S. Pat. No. 5,014,038); (7) rejected claims 16 and 27 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al.; (8) rejected claims 4, 10, 11, 37, 42 and 44 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Kuo et al. (U.S. Pat. No. 6,289,456); (9) rejected claims 15, 21, 22, 26, 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Kuo et al.; (10) rejected claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Oyer et al. (U.S. Pat. No. 4,933,668); (11) rejected claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al. and further in view of Oyer et al.; (12) rejected claims 28 and 29 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Oyer et al.; and (13) rejected claims 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Leigh-Monstevens et al. and further in view of Oyer et al. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Some of the technical differences between the applied references and embodiments of the invention will now be discussed. Of course, these discussed differences, which are disclosed in detail in the patent specification, do not define the scope or interpretation of any of the claims. Where presented, such discussed

differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

The disclosed embodiments of the invention generally relate to a system for preventing the tampering of signal conditioning circuitry. The system comprises a host system that receives data from and sends data to said signal conditioning circuitry. The host system includes a processing unit and memory connected to the processing unit. The system also includes instructions for directing the processing unit in the host system to periodically transmit a request for authentication information from said signal conditioning circuitry. The instructions also include receiving said authentication information from the signal conditioning circuitry in response to the request and comparing the authentication information with initial information. If the comparison proves erroneous the instructions provide for signaling an error in response to the authentication information not being equal to said initial information.

RESPONSES

Claims 1-44 are currently pending in the application.

I. *Objection to Fig. 2.*

Fig. 2 has been amended to reflect "ROM" in item 203 and "RAM" in item 204. Also, the specification has been amended to refer to item 230 as I/O DEVICE.

II. *Objection to improper use of trademarks.*

The specification has been amended to reflect the proper use of trademarks. Specifically, MODBUS and HART have been incorporated into the specification as capitals.

III. *Rejection of claim 44 under 35 U.S.C. 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 44 has been amended to reflect a change from "The Coriolis flowmeter" to "The method of claim 37".

IV. *Rejection of claims 1-3, 8-9, 34-36, 41 and 43 under 35 U.S.C. 102(b) as being anticipated by Lumsden (U.S. Pat. No. 4,338,690).*

The Examiner has indicated in paragraph 8 that claims 1-3, 8-9, 34-36, 41 and 43 are allegedly anticipated by the Lumsden reference. As the Examiner is aware, a claim is anticipated if each and every element as provided in the claim is found, either expressly or inherently described in a single art reference. Verdegaal Bros. v. Union Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987); see, also, Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (the identical invention must be shown in as complete detail as that provided in the claim). Contrary to the Examiner's statements that, in effect, all elements are disclosed in the Lumsden reference, elements of the independent claims are not expressly or inherently disclosed. It is urged that the cited reference of Lumsden does not expressly or inherently disclose the invention as provided in independent claims 1 and 34.

The Examiner has cited various portion of Lumsden without pointing out with particularity how the various portions of Lumsden disclose the claimed invention. With that being the case, Applicants are unsure as to what the Examiner equates in the prior art to that in the claimed invention.

Notwithstanding the defects in the office action, Applicants, herein, point out obvious differences between Lumsden and the Applicants claimed invention. Lumsden deals with a transponder that acts as a simple storage device for utility data. The transponder receives data from a data source and stores it until such data is requested from an external instruction. Col. 3, lines 34-59. Applicants invention deals with a host system and a signal conditioner that act together to **detect and prevent tampering**. No where in Lumsden is any reference made to detection of and prevention of tampering.

Independent claim 1 recites, in part, "instructions for directing said processing unit in said host system to periodically transmit a request for authentication information from said signal conditioning circuitry". Applicants can find no indication of such a function being performed in Lumsden. Lumsden discloses requesting information as to the load of a particular user and subsequent actions to alleviate excessive loads to that user. Col. 4, lines 44-59. However this has absolutely nothing to do with the **detection**

or prevention of tampering with any of the components of the system as required in the Applicants claimed invention.

For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 8-9, 34-36, 41 and 43 under 35 U.S.C. 102(b) as being anticipated by Lumsden (U.S. Pat. No. 4,338,690).

V. *Rejection of claims 12-14, 19-20, 23-25, 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. (U.S. Pat. No. 6,487,507).*

This application was filed on January 24, 2000, and as such is afforded consideration under the changes made to 35 U.S.C 102(e)/103 by the American Inventors Protection Act of 1999 (AIPA). This being the case the '507 patent is no longer a valid reference and should be removed from consideration.

According to 35 U.S.C. 103 (c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section were the subject matter and the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Both the current application and Mansfield are assigned to Micro Motion, Inc., and therefore fall under 103(c). Thus, Mansfield cannot be used as a reference in this application.

For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 12-14, 19-20, 23-25, 30 and 31 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. (U.S. Pat. No. 6,487,507).

VI. *Rejection of claims 5 and 38 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Leigh-Monstevens et al. (U.S. Pat. No. 5,014,038.)*

Claims 5 and 38 depend from independent claims 1 and 34, and, as such, are allowable for the same reasons as claims 1 and 34.

VII. Rejection of claims 16 and 27 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al.

This application was filed on January 24, 2000, and as such is afforded consideration under the changes made to 35 U.S.C 102(e)/103 by the American Inventors Protection Act of 1999 (AIPA). This being the case the '507 patent is no longer a valid reference and should be removed from consideration.

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Both the current application and Mansfield are assigned to Micro Motion, Inc., and therefore fall under 103(c). Thus, Mansfield cannot be used as a reference in this application.

For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al.

VIII. Rejection of claims 4, 10, 11, 37, 42 and 44 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Kuo et al. (U.S. Pat. No. 6,289,456).

Claims 4, 10, 11, 37, 42 and 44 depend from independent claims 1 and 34, and, as such, are allowable for the same reasons as claims 1 and 34.

IX. Rejection of claims 15, 21, 22, 26, 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Kuo et al.

This application was filed on January 24, 2000, and as such is afforded consideration under the changes made to 35 U.S.C 102(e)/103 by the American Inventors Protection Act of 1999 (AIPA). This being the case the '507 patent is no longer a valid reference and should be removed from consideration.

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For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 15, 21, 22, 26, 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Kuo et al.

X. Rejection of claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Oyer et al. (U.S. Pat. No. 4,933,668).

Claims 6 and 7 depend from independent claim 1, and, as such, are allowable for the same reasons as claim 1.

XI. Rejection of claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al. and further in view of Oyer et al.

This application was filed on January 24, 2000, and as such is afforded consideration under the changes made to 35 U.S.C 102(e)/103 by the American Inventors Protection Act of 1999 (AIPA). This being the case the '507 patent is no longer a valid reference and should be removed from consideration.

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Both the current application and Mansfield are assigned to Micro Motion, Inc., and therefore fall under 103(c). Thus, Mansfield cannot be used as a reference in this application.

For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Leigh-Monstevens et al. and further in view of Oyer et al.

XI. Rejection of claims 28 and 29 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Oyer et al.

This application was filed on January 24, 2000, and as such is afforded consideration under the changes made to 35 U.S.C 102(e)/103 by the American Inventors Protection Act of 1999 (AIPA). This being the case the '507 patent is no longer a valid reference and should be removed from consideration.

According to 35 U.S.C. 103 (c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section were the subject matter and the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

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For the foregoing reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 28 and 29 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Mansfield et al. and further in view of Oyer et al.

XIII. Rejection of claims 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Lumsden in view of Leigh-Monstevens et al. and further in view of Oyer et al.


Claims 39 and 40 depend from independent claim 34, and, as such, are allowable for the same reasons as claim 34.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants believe that pending claims 1-44 are in condition for allowance, and that action is respectfully requested. If there are any remaining matters that can be handled in a telephone conference, the Examiner is invited to telephone the undersigned attorney, Curtis J. Ollila, at (303) 938-9999 ext 12.

Respectfully submitted,

Date: 10/8/03


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